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Michelle Galimba, Vice-Chair
Gilbert Aguinaldo
Lauren Balog
John C. Cross
Louis Daniele III
Wayne De Luz

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

August 12, 2022

Daniel Orodener, Executive Officer
State Land Use Commission
DBEDT
P.O. Box 2359
Honolulu, HI 96804



Dear Mr. Orodener:

SUBJECT: LUC Docket No. SP22-414
Special Permit Application (PL-SPP-2022-000012)
Applicant: Yamada and Sons, Inc.
Request: To Allow the Establishment of a Quarry Operation and Related
Improvements and Activities
Tax Map Key: (3) 2-1-013:002 (por), South Hilo, Hawai'i

As stated in our previous letter dated July 26, 2022, attached are the July 7, 2022 Windward Planning Commission minutes and transcripts approved by the Commission on August 4, 2022 regarding the above captioned application.

This submittal will complete the record to the Land Use Commission in regard to Special Permit No. SP22-414 Yamada and Sons, Inc.

Should you have any questions regarding this matter, please contact Christian Kay of the Planning Department at (808) 961-8136.

Sincerely,

Dennis Lin, Chairman
Windward Planning Commission

LYamada&SonsPL-SPP-2022-012LUC7-7-22WPCMinutes

Enclosures: Windward Planning Commission July 7, 2022 Minutes and Transcript

Daniel Orodener, Executive Officer
State Land Use Commission
DBEDT

August 12, 2022

Page 2

cc ltr only via email: Shellbylynn Yamada, Yamada and Sons, Inc.
Daryn Arai, Land Use Planning Consultant
Jean K. Campbell Esq., Deputy Corporation Counsel
Suzanne Tiapula Esq., Deputy Corporation Counsel
Keaukaha Pana'ewa Farmers Association (KPFA)
Department of Hawaiian Home Lands (DHHL)

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
JULY 7, 2022

The Windward Planning Commission met in regular session at 9:03 a.m., in the County of Hawai'i, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chair Dennis Lin presiding with a live stream video for the public to observe the meeting.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, Lauren Balog, Louis Daniele III, Wayne De Luz, John Cross

ABSENT AND EXCUSED: Michelle Galimba

ALSO IN ATTENDANCE: Sinclair Salas Ferguson, Esq. (Counsel for the Commission), Jean Campbell, Esq. (Counsel for the Planning Department), Zendo Kern (Planning Director), Christian Kay (Planner), Clinton Mercado (Planner), Tracie-Lee Camero (Planner), Janice Hata (Zoom Host), Maija Jackson (Planning Program Manager) and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

A quorum was present. Chair Lin called the meeting to order. He described the public accessibility to this meeting and the protocol for the participants to follow.

Chair Lin called the roll of the Commissioners and also introduced the staff.

APPROVAL OF MINUTES

At 9:05 a.m. the Commission took up the minutes of the June 2, 2022, Windward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that the minutes be approved as submitted. A voice vote was taken, and the motion carried with all in favor, and none opposed.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:06 a.m. Chair Lin stated there was one (1) member of the public signed up to testify at the County of Hawai'i Aupuni Center Conference Room. Janice Hata confirmed there were no members of the public who wished to provide verbal testimony on Zoom.

Chair Lin called upon the testifier, swore the individual in to tell the truth in the testimony and explained the procedure.

At 9:07 a.m. one individual provided testimony regarding the New Business Item 2, the application of **HILO SENIOR INVESTMENTS, LLC (FORMERLY ISLAND HERITAGE VENTURES, LLC)(PL-REZ-2022-000021)**. The testimony ended at 9:11 a.m. *[SEE TESTIMONY TRANSCRIPT – EXHIBIT A]*

It was moved by Commissioner Aguinaldo and seconded by Commissioner Daniele that public testimony be closed. There being no discussion on the motion, a voice vote was taken, and the motion carried by unanimous vote of those present.

NEW BUSINESS

1. APPLICANT: RJL, LLC (PL-REZ-2022-000020)

Application for a Change of Zone from an Agricultural 3-acre (A-3a) to a Single-Family Residential-15,000 square feet (RS-15) zoning district for approximately 13.838 acres of land. The property is located at the southwest corner of the Haihai Street – Ainaola Drive intersection, Waiākea Homesteads 2nd Series, South Hilo, Hawai‘i, TMK: (3) 2-4-039:025.

The Commission took up this item at 9:12 a.m.

Action: It was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that a favorable recommendation be forwarded to the County Council on the application for a Change of Zone Docket No. PL-REZ-2022-000020, based on the Planning Director’s recommendation and amendments to Conditions G, H, K, and O, which shall be adopted. A roll call vote was taken, and the motion carried with six (6) ayes (Daniele, Aguinaldo, Balog, Cross, De Luz, Lin).

This hearing item ended at 9:23 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT B]*

2. APPLICANT: HILO SENIOR INVESTMENTS, LLC (FORMERLY ISLAND HERITAGE VENTURES, LLC) (PL-REZ-2022-000021)

Application for an amendment to Condition C (Time to Secure Final Subdivision Approval) of Change of Zone Ordinance No. 17-24, which rezoned approximately 7.402 acres of land from Single-Family Residential-10,000 Square Feet (RS-10) to Neighborhood Commercial-7,500 Square Feet (CN-7.5). The subject property is located on the southeast side of the intersection of Kanoelehua Avenue (Highway 11) and East Kahaopea Street, Waiākea Homestead House Lots, South Hilo, Hawai‘i, TMK: (3) 2-2-044:031, 032, 035 and 037.

The Commission took up this item at 9:23 a.m.

Action: It was moved by Commissioner De Luz and seconded by Commissioner Daniele that a favorable recommendation be forwarded to the County Council on the application to amend Change of Zone Ordinance No. 17 24, based on the Planning Director’s recommendation which shall be adopted. A roll call vote was taken, and the motion carried with six (6) ayes (De Luz, Daniele, Aguinaldo, Balog, Cross, Lin).

This hearing item ended at 9:56 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT C]*

Chairman Lin called a recess at 9:56 a.m., and the meeting was reconvened at 10:10 a.m.

3. **INITIATOR: PLANNING DIRECTOR (ROBERT AND CAROL OSHIRO)
(REZ 16-000208/PL-PDI-2022-000003)**

The Planning Director has initiated the repeal of Change of Zone Ordinance No. 17 7 and amendment to Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code), of the Hawai'i County Code 1983 (2016 edition, as amended), by reverting the current zoning of the subject property from Commercial-10,000 square foot (CN-10) to its original Single-Family Residential-10,000 square foot (RS-10) zoning district for approximately one acre of land. The subject property is located on the east (makai) side of Kīlauea Avenue, approximately 180 feet north of its intersection with East Kahaopea Street, Waiākea Homestead Houselots, Waiākea, South Hilo, Hawai'i TMK: (3) 2-2-040:004.

The Commission took up this item at 10:10 a.m.

Action: It was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that a favorable recommendation be forwarded to the County Council on the application to repeal Change of Zone Ordinance No. 17 7, based on the Planning Director's recommendation which shall be adopted. A roll call vote was taken, and the motion carried with six (6) ayes (Daniele, Aguinaldo, Balog, Cross, De Luz, Lin).

This hearing item ended at 10:19 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT D]*

UNFINISHED BUSINESS

4. **APPLICANT: YAMADA & SONS, INC. (PL-SPP-2022-000012)**

Application for Special Permit to allow the establishment of a quarry operation and related improvements and activities on a 37.882-acre portion of a larger 2,407-acre parcel of land in the State Land Use Agricultural District. The project site is located to the south of the Hilo Sanitary Landfill and adjacent to the east of existing quarries on the subject, State-owned property within the District of Waiākea, South Hilo, Hawai'i, TMK: (3) 2-1-013:002 (por).

The Commission took up this item at 10:19 a.m.

Action: It was moved by Commissioner Aguinaldo and seconded by Commissioner De Luz that the application for Special Permit, Docket No. 2022-012, be approved based on the Planning Director's recommendation which shall be adopted and forwarded to the Hawai'i State Land Use Commission for review. A roll call vote was taken, and the motion carried with six (6) ayes (Aguinaldo, De Luz, Balog, Cross, Daniele, Lin).

This hearing item ended at 10:53 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT E]*

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations, minor permits and enforcement action issued by the Planning Director.

At 10:53 a.m. Chair Lin introduced this item. The Short-Form Assessment Log and the SMA Assessment Log were emailed to the Commissioners on July 6, 2022. He asked the Planning Department staff if there were any additions to the logs that were received. Program Manager Maija Jackson stated on the Short Form Assessment (SFA) log there were two (2) cases missing the description. She explained the reports are generated from the EPIC system and if data is incorrectly input it does not output correctly and also stated future reports will show the description of the projects.

Chair Lin stated at one of the previous meetings there was a concerned community member regarding public access to easements and whatnot. He asked staff if that case has been resolved. Ms. Jackson answered the matter is still in process and also stated the Councilmember for the area is working with the Planning Department, the community, and landowner to come up with a solution.

AGENDA ITEMS FOR NEXT MEETING

At 10:55 a.m. Chair Lin called upon staff to provide information on the next meeting on Thursday, August 4, 2022. Ms. Jackson stated there will be five items on the agenda.

ANNOUNCEMENTS

The Windward Planning Commission's next monthly meeting is scheduled for Thursday, August 4, 2022 at the Council Chambers at the Hilo County Building and the public may provide verbal testimony by interactive video conference via Zoom or at the physical location.

ADJOURNMENT

There being no further business, it was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that the meeting be adjourned. A voice vote was taken, and the motion carried by unanimous vote of those present. Chair Lin adjourned the meeting at 10:56 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Aug 5, 2022 14:11 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



Dennis Lin, Chair
Windward Planning Commission

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAII

HEARING TRANSCRIPT
JULY 7, 2022

A regularly advertised hearing on the application of **YAMADA & SONS, INC. (PL-SPP-2022-000012)** was called to order at 10:19 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chair Dennis Lin presiding.

COMMISSIONERS IN ATTENDANCE: Dennis Lin, Gilbert Aguinaldo, Lauren Balog, John C. Cross, Louis Daniele III, and Wayne De Luz

ABSENT AND EXCUSED: Michelle Galimba

ALSO IN ATTENDANCE: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Jean Campbell, Esq. (Counsel for the Planning Department), Zendo Kern (Planning Director), Christian Kay (Planner), Clinton Mercado (Planner), Tracie-Lee Camero (Planner), Janice Hata (Zoom Host), Maija Jackson (Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

And three members from the public in attendance.

APPLICANT: YAMADA & SONS, INC. (PL-SPP-2022-000012)

Application for Special Permit to allow the establishment of a quarry operation and related improvements and activities on a 37.882-acre portion of a larger 2,407-acre parcel of land in the State Land Use Agricultural District. The project site is located to the south of the Hilo Sanitary Landfill and adjacent to the east of existing quarries on the subject, State-owned property within the District of Waiākea, South Hilo, Hawai'i, TMK: (3) 2-1-013:002 (por).

Secretary's Note: "—" indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

LIN: We will now move on to unfinished business. Agenda Item #4 is applicant Yamada and Sons, Inc., application PL-SPP-2022-000012. Application for Special Permit to allow the establishment of a quarry operation related to improvements and activities on a 37.882 acre portion a larger 2,407-acre parcel of land in the State Land Use Agricultural District. The project site is located to the south of Hilo Sanitary Landfill and adjacent to the east of existing quarries on the subject, State-owned property within the District of Waiākea, South Hilo, Hawai'i, TMK: (3) 2-1-013:parcel, a portion of parcel 002. At this time, I'll bring up presentation by Christian Kay of the Planning Department.

KAY: Thank you and good morning, Mr. Chair. Good morning members of the Windward Planning Commission and welcome Commissioner Cross. As the Chair stated this is an application for a Special Permit. The subject project site or permit area is shown here outlined in

red and indicated as project site. It's approximately 37.882 acres of a larger 2,407-acre state-owned property situated within the South Hilo district of Hawai'i island. More specifically adjacent to the south of the old Hilo Sanitary Landfill and also adjacent to existing and old quarry operations.

The applicant's is requesting a Special Permit to establish a new quarry site on approximately 37.882 acres of land on a portion of a larger 2,407-acre State-owned property situated within the State Land Agricultural District. The applicant proposes to extract approximately 25,000 tons of raw rock material per month, and with the excavation reaching a proposed depth of eighty (80) feet from existing grade. The quarry is expected to have an active lifetime of roughly thirty (30) years. Excavation of rock will be accomplished through the use of heavy equipment when possible. If impenetrable rock is encountered during excavation activities, drilling and blasting will be performed. As rock material is excavated the perimeter of the permit area will have engineered fill with a 3 to 1 slope to avoid a sheer drop and facilitate future use should a suitable use be contemplated. A vegetative buffer will also be provided around the perimeter of the permit area.

No crushing, finish processing, or sales activities will occur within the permit area. Excavated rock will be either stockpiled on site or removed and trucked off-site via Ho'olaulima Road and to the applicants quarry base yard located off of Railroad Avenue for crushing and processing and sale. The applicant anticipates abouts four (4) to five (5) rock hauling trucks or eight (8) to ten (10) tractor trailers will be making about three (3) trips per hour between the proposed quarry and applicant's base yard and processing facilities. All activities will conform to the State Department of Health regulations. Hours of operation are proposed to be limited between 6:00 a.m. and 6:00 p.m. daily as specified by the State license. During peak operation there will be a maximum of ten (10) employees within the permit area at any given time.

The applicant reason for the request is that they have effectively exhausted their supply of quality rock material from its existing and adjacent 14.99-acre quarry that began operation in November 2010 under Special Permit No. 10-110. This new quarry operation would allow the applicant to continue harvesting essential rock resources for the manufacture of base course, and components of hot mix asphalt and concrete needed for the construction of many public and private projects.

So, this is the County's zoning map. The subject property, the permit area again is outlined here in red. The permit area as much of the surrounding area is zoned Agricultural-20 acres as indicated in dark green. There's some Agricultural 5-acres here to the east and then some General Industrial one (1)-acre zoning here indicated in gray and Agricultural-10 acres and this is the Department of Hawaiian Home Lands Pana'ewa Homesteads area as indicated in the darker navy blue.

The State Land Use designation for the subject permit area and much of the surrounding area is an Agricultural as indicated by green. There's some State Land Use Urban here to the north as indicated in the red color. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the majority of the permit area as Important Agricultural Lands with some Extensive

Agriculture mixed in other designations in the area include Industrial Urban Expansion, Low Density, and High density Urban.

Here's the applicant's site plan. Again, for reference we've got Ho'olaulima Road running generally north south in this side of the image. The applicant's current quarry operation is generally in this area and the proposed additional 37.882 acres is indicated in this t-shape here. Here's an aerial photo of the project site and surrounding areas, sorry for the lack of good image quality here. But again, it's just showing the project site with the existing Yamada quarry located here. Former quarry sites in this area that have since been closed, the Old County Landfill area shown here and then again, the Pana'ewa farm lots shown here to the west.

Here's a view of the subject property looking north on the left-hand side Ho'olaulima Road here with the subject property on the left-hand side and a view of the applicant's existing quarry site from the top of the berm looking down into the already quarried area. Generally, the location of the new quarry site would be an extension of this on the right-hand side. Here's some other views of Ho'olaulima Street [Road] looking west, this is moving towards the Old Hilo Dump area, and this is looking east towards the drag strip area with the subject property being on the left-hand side.

So, the Planning Director is recommending that the Special Permit be approved by the Planning Commission and forwarded to the State Land Use Commission (LUC) for final determination. As this is a Special Permit for a land area over fifteen (15) acres, the State Land Use Commission has final authority, decision-making power on this Special Permit. It's a bit unique in that we, if the Commission so chooses if you vote to approve it and forward it on for final decision that would go up to LUC. If you vote to deny it kind of ends here. So, just to give you kind of an idea procedurally of what you're looking at.

So, this Special Permit application was actually scheduled to be heard at our last Planning Commission meeting in June. There was a last-minute request to defer the application because there was a series of letters from the Keaukaha Pana'ewa Farmers Association (KPFA) as well as the Department of Hawaiian Home Lands (DHHL) requesting about seventeen (17) different condition changes and additions. Instead of going through all that the applicant requested a deferral in order to take some time to meet with the Farmers Association as well as DHHL to try and come up with some negotiated agreements on new or amended conditions to help address some of the Farmer's Association and Hawaiian Home Lands Department concerns. And so, the next series of slides will be the outcome of those negotiations you should have received very recently a letter from Daryn Arai who is representing Yamada and Sons with the outcome of those negotiations as well as some of the justification and you all would have also received two (2) letters of support from the Farmers Association as well as Department of Hawaiian Home Lands addressing those same kind of proposed condition changes. So, I'll go over them briefly here.

So, there is a proposed condition amendment to Condition No.4 and this has to do with the hours of operation. There was some concern that the hours of operation that the current land license allowed which was from 6:00 a.m. to 6:00 p.m. would be too extensive and would cause kind of some noise impacts. So, part of the negotiation here is instead of quarrying activities kind of

being limited between 6:00 a.m. and 6:00 p.m. daily. It reads active quarrying activities described as the extraction and handling of rock, or soil material including its transport shall be restricted to that period from Monday through Friday between the hours of 7:00 a.m. and 3:30 p.m. All non-active low noise generating quarry related activities such as site planning, surveying, staking, mobilization of equipment between the permit area and the applicants processing facilities etcetera shall be limited to the hours of 6:00 a.m. to 6:00 p.m. daily. So, again this is a proposed change that was acceptable to both the Department of Hawaiian Home Lands and the Farmer's Association.

Another condition is Condition No. 5, and this has to do ultimately the original condition had to do with the use of rock haulers versus highway legal vehicles to haul material between the quarry site and the applicant's processing site. There was an addition at the end that was added as part of this negotiation that wanted to clarify that Ho'olaulima will be the only means of transport of quarry material and that there wouldn't be any transport on Railroad Avenue. So, again this is prior to commencement of quarrying activities the applicant shall notify the Department of Environmental Management (DEM) of the starting date of quarrying operations. The applicant shall only use highway legal vehicles to haul material from the quarry site to the applicant's processing site upon the acceptance of the dedication of Ho'olaulima Road by the County of Hawai'i or as may be directed by the Department of Environmental Management as represented by the applicant Ho'olaulima Road shall be the sole means of transport of quarried material between the permit site and the applicant's processing facilities. The applicant shall not use Railroad Avenue from Puainako Street to Māmakī Road to transport quarried material.

So, generally we're supportive of the conditioned language relative to limiting the route to Ho'olaulima Road. There's still some question about rock hauling vehicles versus highway legal vehicles so at their opportunity we will let the applicant address kind of a justification for that continued use of rock haulers. Now, this is a new proposed condition, and this is new Condition No. 8 as may be required by and subject to the approval of the State Department of Health Clean Air Branch. The applicant in collaboration with the KPFA and the DHHL shall develop an Air Quality Monitoring Plan specific to monitoring of air quality conditions within the permit area prior to the commencements of active quarry activities. This is to try and address some potential negative impact to the air but it also provides some flexibility to give the State Department of Health Clean Air Branch the final authority to determine whether or not such a monitoring plan would be necessary.

New Condition No. 9 the applicants shall implement Best Management Practices to minimize dust generated by active quarry activities within the permit area including but not limited to the regular watering of areas being mined and stockpile areas on an as needed basis depending on weather conditions. These Best Management Practices were disclosed within the Special Permit application dated November 23rd, 2022 any supplemental material and the representations made before the Windward Planning Commission. So, ultimately this is just a condition to clarify that yes, Best Management Practices will be used to indicate what those are and then to also say that the other kind of extensive list of Best Management Practices that were submitted as part of the application and represented by the applicant will be adhered to.

And then finally proposed new Condition No. 18. This has to do with a permit site closure plan, and this is a concern from the community association, the Farmers Association that they be involved in the development of the site closure plan. This is a requirement of the land lease, but this new condition would further clarify active participation by the associations and what would go on to the planning. It states within four (4) months from the effective date of this permit the applicant shall commence development of a permit site closure plan meeting with the approval of the State Department of Land and Natural Resources (DLNR) in consultation with the Keaukaha-Pana'ewa Farmers Association and the Department of Hawaiian Home Lands. The closure plan should include mitigation efforts to leave the permit site in a non-hazardous condition. The closure plan shall include consideration for Hawaiian Homes Commission Act (HHCA) beneficiaries, who reside or will reside in the KPFA community on HHCA lands in Pana'ewa. The method of permit site closure must not be negatively impact HHCA lands or current/future beneficiaries.

So, these are the proposed condition amendments and changes. Again, kind of with the exception of the discussion on rock hauling vehicles versus highway legal vehicles. The Director is generally supportive of these new conditions and with that I'm happy to turn the time back over to the Chair Lin and answer questions as appropriate.

LIN: Thank you, Christian.

KAY: Thank you.

LIN: May I please have the applicant and their representatives come up to the table please. If you would please raise your right hand so I can swear you in. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

APPLICANT/REPRESENTATIVE: I do.

LIN: Please state your name and the town you live in. Also, have you received the background and recommendation reports from the Planning Department? Do you agree with the Planning Director's recommendation including the proposed conditions?

APPLICANT: Yes.

LIN: Please go ahead with your presentation, thank you.

ARAI: I'll lead off. Good morning again Commissioners. My name is Daryn Arai. I am a Planning Consultant assisting the applicant Yamada and Sons, Inc. Oh, and I live, did I say I live in the city of Hilo. Sorry.

YAMADA: Good morning, my name is Shellby Yamada. I'm the current President for Yamada and Sons, Inc.

MILLER: Good morning, all my name is Donna Miller. I am a granddaughter of the founders of Yamada and Sons and currently employed by Yamada and Sons and I'm from Hilo.

YAMADA: Oh yeah, sorry, from Hilo.

ARAI: Again, thank you very much. Thank you for the very thorough presentation and thank you Director Kern for the favorable recommendation. We apologize for the flurry of communications between the department and the applicant. The time since our last regularly scheduled meeting back in June was a well-served. It gave us the opportunity to work with the community, to work with the Department of Hawaiian Home Lands to really understand the concerns, address their issues, and hopefully find common ground where both the applicant and community can mutually benefit from the proposed request.

As we sit here today, this has been a 3-year journey by the applicant. It started with the preparation of archaeological studies, cultural impact assessment reports, developing an environmental report that was accepted by the State. Going before the State Land Board to secure a land license for the 37.882-acre project site and culminating with the filing of this Special Permit application that you have before you today. Each and every step along the way, adjustments were made to the overall project. It originally started with a vision of maybe an excess of fifty (50) acres and due to findings and considerations it was reduced. It just one of many such adjustments that were made throughout the entire process. So, yes it has been a long, but a fruitful journey and I say fruitful because again it culminates with the letter that you received dated June 27. Where discussions with the Keaukaha-Pana'ewa Farmers Association and the Department of Hawaiian Homelands. We offer the proposed amendments to the various conditions that we were very appreciative of coming from the Planning Director. We hope that like the association and like DHHL that the commission finds these conditions acceptable and warrant a favorable recommendation from all of you.

I would like to speak briefly about Condition No. 5 which speaks to the use or the restriction on the use of rock hauling equipment by the applicant to transport material from the proposed quarry site to their processing facilities located just off of Ho'olaulima Road. As structured the condition does not take away any authority from the Department of Environmental Management (DEM) who has made the request that the use of equipment be limited to street legal vehicles only. We simply ask that the condition as proposed by the applicant be accepted in order to provide flexibilities that should circumstances change over the twenty (20) year life of the land license. That the applicant and discussions with the Department of Environmental Management can make decisions on its own. Because as currently worded from the Planning Director any changes or any additional considerations must go through the same amendment process with a final decision by the State Land Use Commission. And that is just in our minds an unwarranted exercise especially when the final call will still remain with the Department of Environmental Management. A case in point is that between the project site and the applicant's processing facilities located just before the County's transfer station. The roads are very wide, and it was improved as such in order to accommodate the large truck haulers that currently navigate through along that alignment and been doing for probably 30 years. At least 30 years with no incidents of any public safety concerns.

We understand why the Department of Environmental Management made that statement and if it is still required by Environmental Management the applicant has no choice but to comply. But

all we ask is that flexibility be built in and not hard baked into the permit conditions that will foreclose any reasonable opportunities. If Ho'olaulima is to be further widen for example, why wouldn't that be a consideration where safety concerns are reasonably addressed by the applicant, and they can continue to use the rock haulers.

So, that's the substance of our requests and the applicant Shellbylynn can speak further to that if you have any specific questions. So, thank you for your time.

ZERN: Mr. Chair, if I may. Thank you, Mr. Arai. So related to Condition 5 as you just mentioned. I understand you wanted to be dynamic, so you guys could have the discussion moving forward with DEM. Is it your understanding though at this moment moving forward that DEM has already made a request that there shall be no rock haulers used at this time moving forward, is that clear?

ARAI: That is our understanding based on the memo that's part of the record. Yes.

KERN: So, then the as may be directed gives you the flexibility but your understanding is now for the record that that request has been made. Doesn't mean that you guys can't talk about that in the future and come up with some other agreements that is acceptable. Is that the intent?

ARAI: That is correct. The reason being is that while the Department has made its position known in its memo to as part of this process. All comments received by the reviewing agencies are recommendations that are, should be considered by the Planning Director. So, like any other comments we see by the County, the Director and ultimately the Commission and in this case ultimately the State Land Use Commission will then assess whether or not it's reasonable or unreasonable. So, we're just asking for some reasonable accommodations.

KERN: Sure. So, with that understanding I am okay with it, with having that condition. But let it be known that DEM has stated that that's what they want right now. Don't come back and be like oh we thought it was different.

ARAI: No.

KERN: It's been stated unless we get something different DEM that will hold true. Fair?

ARAI: That is totally understood —

YAMADA: Understood.

ARAI: — and totally fair.

KERN: Thank you.

ARAI: Thank you Director Kern.

YAMADA: Thank you.

ARAI: I'm sorry. Would it be okay if the applicant's Aunty is able to make a statement?

LIN: Sure, go ahead.

MILLER: Thank you. I had just come prepared to make a statement, but I guess I had kind of missed that time frame. So, I thank you for being allowed to do it now. My name is Donna Miller. I'm a granddaughter of the founders of the Yamada and Sons, Bob and Emma Yamada. I speak in support of the permit for the quarry not only as a member of the Yamada family and an employee of the company but also as a member of this community because I know that this company fills a need in our community. Every community needs materials to build their homes, churches, stores, office buildings, parks, restaurants, gyms, and bridges. They need materials to build their roads, parking lots, and playgrounds.

For the past 50 plus years Yamada and Sons has been one of the providers of these materials for our community. We produce aggregate of all sizes such as sand to cushion pipes in the ground and backyard swimming pools. We produce larger aggregate that becomes the foundation for buildings or that is used to decorate landscape. We provide rocks to fill big holes so the land can be leveled and made useful. We mix aggregate with cement to produce ready-mix concrete that is used to build everything under the sun. We mix aggregate with hot asphalt oil to produce hot asphaltic concrete used to pave and when needed to repave our roadways. But before we can produce these useful materials, we need a quarry. A quarry from which to extract the rock to produce these materials that provide incredible value to our community.

We need a source from which all these building materials are made, we need a quarry. Yamada and Sons did their due diligence in selecting this particular piece of property for the quarry. Being mindful of our neighbors and embrace working with our neighbors in moving this permitting process forward. Not only because that is the business we're in but also because we know how important these materials are to the community. To extract, process, and deliver these materials Yamada and Sons employs about forty (40) people. People who live in this community and who have had a direct hand in producing and delivering this material to the community. Yamada and Sons as a general contractor, as a producer of building materials, as an employer, and as a company of individuals is very mindful that we are very much a part of this community. This is the legacy of my grandparents. Thank you.

YAMADA: I just wanted to take some time, I'm not sure if there's any questions but to just thank everyone for your time and again, we apologize about that last minute deferral in June. But I do think, and I agree with Daryn it was time very well spent working with DHHL and KPFA. Who I thought would be here today because I also wanted to thank them because they were very, very helpful in us getting to this point. So, thank you to the Commission, thank you to the Planning Department, Director Kern thank you very much.

LIN: Thank you. At this time, are there any questions for the applicant?

AGUINALDO: No.

LIN: I guess my only question would be in regard to the time of operations. What is your current operation times right now, when people go to pick up?

I

YAMADA: It's that 7:00 a.m. to 3:00 p.m.

LIN: Oh okay.

YAMADA: Yeah, yeah. Yep, 3:30. Yeah.

LIN: Okay.

YAMADA: Yep, that the current.

LIN: Okay, that was my only question.

KERN: Mr. Chair?

LIN: Go ahead.

KERN: So, based on the conversation as in what Christian has gone through with the revised condition. My recommendation when you folks adopt it would be to adopt the revised conditions in the letter from Mr. Arai dated July 5th as shown in Exhibit A. Staff correct me if that is in conflict. Is that correct?

KAY: That sounds accurate.

KERN: Okay, thank you very much. And that's based on the discussion we just had around Condition 5. All the rest of them I had no problem with. Just want to make sure we were clear on Condition 5 as DEM recommended and thank you folks for working it out with DHHL and the surrounding community association. Thank you.

LIN: Thank you Director Kern. Any other comments? Oh, go ahead Mr. Arai.

ARAI: Sorry. I just want to clarify. The conditions, the amended conditions attached as Exhibit A that was actually part of the June 27 transmittal. I thought I heard July 5 or I'm sorry if I missed it.

KERN: Oh, you know what sorry, I made the mistake. You're right I was looking at the response from DHHL which is dated July 5th. So, I stand corrected as Mr. Arai said.

KAY: Thank you.

LIN: So, just for clarification Director Kern we will reference the July 5th letter that references Mr. Arai's letter?

KAY: Well, the —

LIN: Or is there a separate attached?

KAY: —The other option you have is I believe Director Kern just stated that this is his new recommendation so if you vote to approve as recommended by the Director then that should be captured.

KERN: It will cover, we are covered on what I'm talking about —

LIN: Okay.

KERN: — Just keep it simple.

LIN: Okay.

KERN: Thank you.

LIN: All right if there are no other comments or questions for the applicant. Is there any motion for action?

AGUINALDO: Yes. I move, I move that the application for Special Permit Docket No. 2022-012, be approved based on the Planning Director's recommendation which shall be adopted and forwarded to the Hawai'i State Land Use Commission for review.

LIN: Is there a second?

DE LUZ: I'll second it.

LIN: It's been moved by Commissioner Aguinaldo and seconded by Commission De Luz for a favorable recommendation or for approval of Special Permit. Commissioners any discussion on this motion?

KERN: To make a point of clarification. So, it's to send it forward to the State Land Use Commission. Is that correct Christian?

KAY: That's correct. So, this again is a bit unique in that the Commission the way that the law is written. Is the Commission would vote to approve and then forward a favorable recommendation to the State Land Use Commission.

LIN: Is there any discussion?

DE LUZ: I just wanted to comment and thank Mr. Arai for his thesis that took me quite a while to read but, was very well done. I think your doctrine will be approved and to the family congratulations I know this looks like a very long project and hopefully it works out for you guys. And I know you've got a couple more steps but congratulations.

ARAI: Thank you.

LIN: My only comment is just thank you again for reaching out to DHHL and talking with the community beforehand and taking the time to defer action so you could get more clarification, get everything all cleared up. Makes our jobs a lot easier. If there's no other comments or discussion, staff may I have a roll call vote please.

KAY: Thank you Mr. Chair. Commissioner Aguinaldo?

AGUINALDO: Aye.

KAY: Commissioner De Luz?

DE LUZ: Aye.

KAY: Commissioner Balog?

BALOG: Aye.

KAY: Commissioner Cross?

CROSS: Aye.

KAY: Commissioner Daniele?

DANIELE: Aye.

KAY: And Chair Lin?

LIN: Aye.

KAY: Thank you Mr. Chair motion carries with six aye votes.

LIN: You'll be notified in writing of this decision.

ARAI: Thank you.

YAMADA: Thank you very much, thank you.

ARAI: Thank you Commissioners, Director Kern, and staff. Thank you very much.

The item ended at 10:53 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador Aug 9, 2022 10:11 HST

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission